

CEPD Planning Division Report

**Petition to rezone site from C1 to C2, conditional use permit for extended hours,
and a parking variance (BZZ-1348)**

Hearing Date: November 17, 2003

Date Application Deemed Complete: September 3, 2003

End of 60-Day Decision Period: November 2, 2003

Date Extension Letter Sent: October 29, 2003

End of 120-Day Decision Period: January 1, 2004

Applicant: Everado Morfin and Abdiwahab Mohamed 612-296-7887

Address of Property: 3013-33 2nd Avenue South

Contact Person and Phone: Basim Sabri 612-799-4466

Staff Contact Person and Phone: Jim Voll 612-673-3887

Ward: 8 **Neighborhood Organization:** Central Neighborhood

Zoning:

	<u>Existing</u>	<u>Proposed</u>
207 E. Lake St., Sabri Commons Phase I:	C2	no change
3013 – 3033 2 nd Ave. S., Sabri Commons Phase II:	C1	C2
3018 3 rd Ave. S., adjacent parking lot:	OR1	C2

Plate Number: 25

Legal Description: Lots 16-21 Bakers 2nd Addition to the City of Minneapolis.

Proposed Use: Convert space in one of the existing buildings from general retail to a reception hall and a restaurant, and to rezone the entire site comprised of seven lots to C2 and a off-site lot from OR1 to C2. The applicants have withdrawn the rezoning request for the off-site lot at 3018 3rd Avenue South.

Proposed Variance: To reduce the required parking for the reception hall from 51 to 20 spaces (40 percent). The parking for the entire development would be reduced from 95 to 64 spaces.

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Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII, Conditional use permits; and Chapter 525, Article IX, Variances, specifically Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred (100) percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use.

Prior approvals and Background: This application was continued from the October 7, 2003 and the November 3, 2003 meetings of the City Planning Commission. The building received site plan approval (BZZ-862) in November of 2002. Both prior-approved phases of Sabri Commons share the parking lot behind the existing buildings. The applicant wishes to convert space in one of the two buildings in Phase II (3013 – 3031 2nd Avenue South) from general retail to a reception hall and a restaurant, and to rezone the entire site comprised of seven lots to C2, Neighborhood Corridor Commercial District. A parking variance to reduce the required parking for the reception hall from 51 to 20 spaces is necessary.

On September 18, 2003, the applicants informed Planning staff that the project had changed and that an additional lot (3018 3rd Avenue South) was to be a part of the project and the rezoning petition to change to C2. This change required the applicant to obtain signatures from 2/3 of the property owners within 100 feet of the entire project site because this lot is zoned OR1. The applicants have withdrawn the rezoning request for this lot at 3018 3rd Avenue South.

The applicant had originally proposed the following extension of operating hours:

<u>Hours</u>	<u>Permitted</u>	<u>Proposed</u>
Sunday – Thursday	6 a.m. – 10 p.m.	6 a.m. – 2 a.m.
Friday & Saturday	6 a.m. – 11 p.m.	6 a.m. – 2 a.m.

The applicants have revised the request for extend hours until 2:00 a.m. for Friday, Saturday, and Sunday only. All other days they will comply with the hours of operation in the C2 District.

The 4th and Lake Business Association passed a motion supporting the rezoning of the site and the extended hours. Please see the attached letter.

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REZONING (from C1 to C2 for 3013 to 3033 2nd Avenue South)

Findings As Required By The Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan does not have a designation for 2nd Avenue South, but shows Lake Street as a commercial corridor. The front part of the site is zoned C2 and C2 is an appropriate zoning district on a commercial corridor. While C2 is appropriate on Lake Street it may not be appropriate on 2nd Avenue South and the C1 zoning may provide a better transition from the more intense commercial activity to the north to the residential properties to the south and east.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The application is in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The property along Lake Street is zoned C2 and has several commercial uses including retail and fast food restaurants. To the south and east there are residential uses zoned R2B. While C2 zoning would not be completely out of character with the uses on Lake Street, C1 may be a more appropriate district adjacent to the residential properties.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The C1 district allows a wide range of retail, residential, and food and beverage uses.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 code the site was zoned B3S and B2. With the adoption of the 1999 code the site was given the C2 and C1 Districts. While Lake Street has seen much positive redevelopment and improvements in the last several years, the pattern of land use has not changed significantly from 1999 when the site was zoned C1.

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REZONING (from C1 to C2 for 3018 3rd Avenue South)

This application has been withdrawn.

CONDITIONAL USE PERMIT (to allow extended hours on Friday, Saturday, and Sunday)

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. May be detrimental to or endanger the public health, safety, comfort or general welfare.

While there are other uses operating with late night hours on Lake Street the extended hours for the reception hall may have an impact on the residential properties to the south and east of the site.

2. May be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

a) Proximity to permitted or conditional residential uses. The site is bordered by residential uses to the east and south.

b) Nature of the business and its impacts of noise, light and traffic.
The business is a reception and meeting hall. There is a potential for large groups of people to be leaving late from events at the site. This could generate noise and traffic that would have an effect on the nearby residential properties.

c) Conformance of use. The proposed use is a permitted use in the C2 zone. The applicant is requesting a rezoning to the C2 District. If this rezoning is approved the site will be in conformance with the zoning code. The site has received site plan review approval in 2002. The zoning code limits operating hours to 10 p.m. (11 p.m. Fri/Sat).

d) Complaints received. The proposed use is new. There have been no complaints received.

As has been the consistent policy, staff has recommended denial if there are residential uses located on the block.

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- 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Roads and utilities are existing and adequate.

- 4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The applicant cannot provide parking for the use and is requesting a variance from 51 spaces to 20 spaces. Since there is an opportunity for shared parking in the lot at the rear of the buildings, staff is recommending approval of the variance. If the variance is granted the site will be in conformance with code requirements. The parking lot has room for 64 spaces. Since the reception hall operates at different times than the majority of the uses at the site there should be adequate parking available.

- 5. Is consistent with the applicable policies of the comprehensive plan.**

See finding number 1 under the rezoning section of this report.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, parking variance, and rezoning.**

VARIANCE (to reduce the required parking from 51 to 20 spaces)

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The reception hall requires 51 parking spaces. Adding this to the required parking for the rest of the site the parking requirement is 95 spaces. Sixty-four spaces are provided. Therefore, a variance from 95 space to 64 for the site, or 51 to 20 for the use is required (note that the public notice stated from 31 to zero). This is a reduction of 31 spaces or approximately 40 percent. The reception hall will typically operate from 5:00 p.m. to 2:00 a.m. The majority of the other uses closed between 5:00 and 7:00 p.m. This provides an opportunity for shared parking. While the total required parking can not be met the difference in operating hours makes it likely that there will be adequate parking. This is a reasonable use of the property.

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- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The site is on a major bus route and there is an opportunity for shared parking. These are not conditions generally applicable to properties in the C1 and C2 Districts.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of the ordinance is to provide adequate parking for uses. Since there is a large 64 space lot that will be open during the evening hours, the intent of the ordinance should be met.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The variance should not increase the danger of fire. Since the uses at the site operate at different times, the lot should be adequate for the parking needs and the variance should not increase congestion in the public streets.

Recommendations of the CPED Planning Division:

REZONING

The CPED Planning Division recommends that the City Planning Commission and City Council **deny** the petition to rezone 3013 – 3033 2nd Avenue South from C1 to C2.

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CONDITIONAL USE PERMIT (to extend hours)

The CPED Planning Division recommends that the City Planning Commission **deny** the application for extended hours for the property at 3013 – 3033 2nd Avenue South.

PARKING VARIANCE

The CPED Planning Division recommends that the City Planning Commission **approve** the application for a parking variance from 51 to 20 spaces for the property at 3013 – 3033 2nd Avenue South.

Attachments:

1. Zoning map
2. Site plan.
3. Floor plan.
4. Letter from business association.
5. Photos.